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Attorneys for Defendant
MERCEDES-BENZ USA, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ROBERT PONZIO, KARINA	:	
KLOCZKO, JESSICA IRENE MILLER,	:	Case No. 1:18-cv-12544-JHR-JS
THOMAS HAYES, ALEX ACUNA,	:	
BRIAN MADSEN, VANESSA M.	:	<i>Document Electronically Filed</i>
MONTGOMERY, ROBERT MULL,	:	
HADIYA NELTHROPE, and SAMUEL	:	Motion Date: January 7, 2019
SALGADO, on behalf of themselves and	:	
all others similarly situated,	:	DEFENDANT MERCEDES-BENZ USA, LLC'S NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFFS' CLASS ACTION COMPLAINT FOR LACK OF PERSONAL JURISDICTION, LACK OF STANDING, AND FAILURE TO STATE A CLAIM, OR, IN THE ALTERNATIVE, MOTION TO TRANSFER
Plaintiffs,	:	
v.	:	
MERCEDES-BENZ USA, LLC and	:	
DAIMLER AG,	:	
Defendants.	:	
	:	
	:	

TO PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on **January 7, 2019**, the undersigned, attorneys for defendant Mercedes-Benz USA, LLC (“MBUSA”), shall apply to the Honorable Joseph H. Rodriguez, United States District Court Judge, District of New Jersey, in Courtroom 5D of the Mitchell H. Cohen Building & U.S. Courthouse located at 4th & Cooper Streets, Room 1050, Camden, NJ 08101, seeking entry of an Order as follows:

1. Pursuant to Fed. R. Civ. P. 8, 9(b), and 12(b)(6), MBUSA seeks an order dismissing plaintiffs’ Complaint in its entirety for failure to state a claim upon which relief can be granted;
2. Pursuant to Fed. R. Civ. P. 12(b)(2), MBUSA seeks an order dismissing plaintiffs’ non-New Jersey claims as this Court does not have personal jurisdiction over these claims against MBUSA;
3. Pursuant to Fed. R. Civ. P. 12(b)(1), MBUSA seeks an order dismissing plaintiffs’ non-New Jersey nationwide and non-New Jersey state-specific claims for lack of subject matter jurisdiction as plaintiffs lack standing to assert these claims; and
4. In the alternative, pursuant to 28 U.S.C. Section 1404(a), MBUSA seeks an order transferring this case in its entirety to the Northern District of Georgia if this Court does not dismiss the non-New Jersey plaintiffs for lack of personal jurisdiction.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, MBUSA shall rely upon the accompanying Brief in Support of this Motion and Request for Judicial Notice, any reply papers, and oral argument, if any.

PLEASE TAKE FURTHER NOTICE that a Proposed Order is being filed herewith.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: October 15, 2018

s/ Joseph H. Blum
Joseph H. Blum

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